

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:22-cv-05260-CM-BCM**

Parfinim NV v. Tellez
Assigned to: Judge Colleen McMahon
Referred to: Magistrate Judge Barbara C. Moses
Cause: 28:1346 U.S. Defendant

Date Filed: 06/22/2022
Date Terminated: 07/13/2022
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: U.S. Government Defendant

Petitioner

Parfinim NV

represented by **Richard E. Lerner**
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ATTORNEY TO BE NOTICED

V.

Respondent

Warden Heriberto Tellez
*Federal Bureau of Prisons, Metropolitan
Detention Center, Brooklyn, New York, as
Custodian of INIGO PHILBRICK, Inmate No.
05863-093
TERMINATED: 07/13/2022*

represented by **Alyssa O'Gallagher**
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Respondent

Warden Rachel Thompson

Interested Party

Aiden Fine Arts, Inc.

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Date Filed	#	Docket Text
06/22/2022	<u>I</u> <u>1</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. (Filing Fee \$ 5.00, Receipt Number ANYSDC-26314946) Document filed by Parfinim NV. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover sheet, for writ of habeas corpus ad testificandum, to direct Warden Heriberto Tellez to produce INIGO PHILBRICK for deposition).(Lerner, Richard) (Entered: 06/22/2022)
06/23/2022	<u>I</u>	***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Richard E. Lerner to RE-FILE Document No. <u>1</u> Petition for Writ of Habeas Corpus,. The filing is deficient for the following reason(s): the event wrong event type was used to file the civil cover sheet; the PDF must be filed separately; the PDF attached to the docket entry for the civil cover sheet is not correct; Nature of Suit code was not selected. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated October 1, 2020. The S.D.N.Y. Civil Cover Sheet dated October 1, 2020 is located at http://nysd.uscourts.gov/file/forms/civil-cover-sheet.. (jgo) (Entered: 06/23/2022)
06/23/2022	<u>I</u>	***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Richard E. Lerner. The following case opening statistical information was erroneously selected/entered: Cause of Action code 05:706; County code New York;. The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 28:1346; the County code has been modified to XX Out of U.S.;. (jgo) (Entered: 06/23/2022)
06/23/2022	<u>I</u>	***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Richard E. Lerner. The party information for the following party/parties has been modified: Warden Heriberto Tellez. The information for the party/parties has been modified for the following reason/reasons: party text contained a typographical error;. (jgo) (Entered: 06/23/2022)
06/23/2022	<u>I</u>	CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Colleen McMahon. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (jgo) (Entered: 06/23/2022)
06/23/2022	<u>I</u>	Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (jgo) (Entered: 06/23/2022)

06/23/2022	<u>I</u>	Case Designated ECF. (jgo) (Entered: 06/23/2022)
06/23/2022	<u>I 2</u>	CIVIL COVER SHEET filed..(Lerner, Richard) (Entered: 06/23/2022)
06/23/2022	<u>I 3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Warden Heriberto Tellez, re: <u>1</u> Petition for Writ of Habeas Corpus,. Document filed by Parfinim NV..(Lerner, Richard) (Entered: 06/23/2022)
06/23/2022	<u>I 4</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Habeas Corpus. Referred to Magistrate Judge Barbara C. Moses. (Signed by Judge Colleen McMahon on 6/23/2022) (ate) (Entered: 06/23/2022)
06/24/2022	<u>I 5</u>	ELECTRONIC SUMMONS ISSUED as to Heriberto Tellez..(gp) (Entered: 06/24/2022)
06/24/2022	<u>I 6</u>	NOTICE OF APPEARANCE by Steven R. Schindler on behalf of Aiden Fine Arts, Inc...(Schindler, Steven) (Entered: 06/24/2022)
06/24/2022	<u>I 7</u>	NOTICE OF APPEARANCE by Katherine Lane Wilson–Milne on behalf of Aiden Fine Arts, Inc...(Wilson–Milne, Katherine) (Entered: 06/24/2022)
06/24/2022	<u>I 8</u>	NOTICE OF APPEARANCE by Jenny Chenying Gu on behalf of Aiden Fine Arts, Inc...(Gu, Jenny) (Entered: 06/24/2022)
06/27/2022	<u>I 9</u>	ORDER: ORDERED that Parfinim and Aiden shall appear through counsel for a telephonic conference on July 13, 2022, at 11:00 a.m., to discuss the issues set forth above. The parties must call (888) 557–8511 on their scheduled date, a few minutes before their scheduled time, and enter the access code 7746387. Please treat the teleconference as you would treat a public court appearance. It is further ORDERED that counsel for Parfinim shall promptly serve copies of this Order on the Bureau of Prisons (BOP), though the Legal Department at the MDC, and the Civil Division of the United States Attorney's Office (USAO) in this District, and shall request that a representative of the BOP and/or the USAO attend the conference so that the Court may have the benefit of their views. It is further ORDERED that any party or government agency wishing to file a letter– brief addressing the questions set forth above may do so no later than July 7, 2022. Motions due by 7/7/2022. Telephone Conference set for 7/13/2022 at 11:00 AM before Magistrate Judge Barbara C. Moses. (Signed by Magistrate Judge Barbara C. Moses on 6/27/2022) (rro) (Entered: 06/27/2022)
06/28/2022	<u>I 10</u>	AFFIDAVIT OF SERVICE of summons, petition for writ of habeas corpus ad testificandum, and Magistrate Moses's order of June 27, 2022 served on respondent Warden Tellez on 06/27/2022. Service was accepted by AUSA Jeffrey Ostreicher. Service was made by Email. Document filed by Parfinim NV..(Lerner, Richard) (Entered: 06/28/2022)
07/06/2022	<u>I 11</u>	LETTER MOTION for Extension of Time addressed to Magistrate Judge Barbara C. Moses from Alyssa B. O'Gallagher dated July 6, 2022. Document filed by Heriberto Tellez..(O'Gallagher, Alyssa) (Entered: 07/06/2022)
07/07/2022	<u>I 12</u>	ORDER granting <u>11</u> LETTER MOTION for Extension of Time. Application GRANTED. SO ORDERED. Motions due by 7/11/2022. (Signed by Magistrate Judge Barbara C. Moses on 7/7/2022) (jca) (Entered: 07/07/2022)
07/07/2022	<u>I 13</u>	LETTER addressed to Magistrate Judge Barbara C. Moses from Richard E. Lerner dated July 7, 2022 re: response to court's June 27, 2022 sua sponte inquiry. Document filed by Parfinim NV..(Lerner, Richard) (Entered: 07/07/2022)
07/11/2022	<u>I 14</u>	LETTER MOTION to Adjourn Conference <i>In Light of Agreement to Transfer</i> addressed to Magistrate Judge Barbara C. Moses from Alyssa B. O'Gallagher dated July 11, 2022. Document filed by Heriberto Tellez..(O'Gallagher, Alyssa) (Entered: 07/11/2022)
07/12/2022	<u>I 15</u>	

ORDER granting 14 Letter Motion to Adjourn Conference. Application GRANTED. The conference scheduled for July 13, 2022 is ADJOURNED sine die. The parties shall submit their proposed transfer order by July 20, 2022. SO ORDERED. (Signed by Magistrate Judge Barbara C. Moses on 7/12/2022) (vfr) (Entered: 07/12/2022)

07/12/2022	<u>16</u>	PROPOSED STIPULATION AND ORDER. Document filed by Heriberto Tellez..(O'Gallagher, Alyssa) (Entered: 07/12/2022)
07/13/2022	<u>17</u>	STIPULATION AND ORDER TO TRANSFER VENUE: NOW, THEREFORE, IT IS STIPULATED AND AGREED, by and between counsel for the parties, that: 1. Warden Rachel Thompson shall be substituted as respondent in place of Warden Heriberto Tellez. 2. This case shall be transferred, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the Middle District of Pennsylvania. 3. This Stipulation and Order to Transfer Venue shall not be construed as addressing the merits of this action or any other issue besides venue and substitution of respondent. 4. This Stipulation and Order to Transfer Venue contains the entire agreement between the parties, and no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. 5. Upon transfer, this case shall be terminated on the docket. All forthcoming deadlines and hearings are hereby vacated. So Ordered. Rachel Thompson added. Heriberto Tellez (Federal Bureau of Prisons, Metropolitan Detention Center, Brooklyn, New York, as Custodian of INIGO PHILBRICK, Inmate No. 05863–093) terminated. (Signed by Magistrate Judge Barbara C. Moses on 7/13/2022) (vfr) Transmission to Office of the Clerk of Court for processing. (Entered: 07/13/2022)
07/13/2022	<u>1</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of Middle District of Pennsylvania. (vfr) (Entered: 07/13/2022)